

Message Text

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ACTION PPT-02

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FM AMEMBASSY MANILA

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TAGS: CPAS, PGOV, RP

SUBJ: PHIL GOVERNMENT PROPOSAL TO CONFER PHIL CITIZENSHIP ON
NATURALIZED U.S. CITIZENS OF PHILIPPINE ORIGIN

REF: A. 8 FAM 224.5 TO 225.20 AND 284; B. MANILA'S A-278

SUMMARY: GOP CONSIDERING PROCEDURE TO CONFER PHIL CITIZENSHIP
ON NATURALIZED U.S. CITIZENS OF PHILIPPINE ORIGIN SO AS TO
PROVIDE DUAL NATIONALITY TO THAT CLASS OF INDIVIDUALS. DEPT.
OF JUSTICE DISCUSSED SUBJECT WITH EMBOFFS AND INDICATED IMPORTANCE
PRESIDENT MARCOS PERSONALLY GIVES TO THIS CONCEPT. JUSTICE
OFFICIALS CLEARLY INDICATES PURPOSE OF DUAL NATIONALITY
IS MAINLY POLITICAL. JUSTICE DEPT. INDICATES DESIRE TO CON-
SULT WITH EMBASSY AFTER FURTHER STUDY OF CONCEPT AND ITS RAMI-
FICATIONS. ACTION REQUESTED: DEPT PROVIDE EMB WITH ITS VIEWS AS
TO BOTH THE PROCEDURAL AND LEGAL ISSUES INVOLVED. END SUMMARY.

1. REPORTS HAVE APPEARED IN LOCAL NEWS MEDIA THAT GOP WAS
CONSIDERING PROCEDURE TO GRANT DUAL NATIONALITY TO FILIPINOS
WHO HAD BECOME NATURALIZED U.S. CITIZENS. THE FIRST REASON
GIVEN FOR SUCH ACTION WAS TO MAKE THIS CLASS OF INDIVIDUALS
ELIGIBLE UNDER PHIL LAW TO PURCHASE RESIDENTIAL LANDS (SEE
LAST PARA REFTTEL B).

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2. AT REQUEST OF JUSTICE UNDERSECRETARY MACARAIG, EMBOFFS DISCUSSED GENERAL SUBJECT AREA. MACARAIG INDICATED PRESIDENT MARCOS WAS QUITE SERIOUS IN PROMULGATING APPROPRIATE PROCEDURES TO GRANT DUAL NATIONALITY. HE ADDED THAT THIS WAS A COMPLETE REVERSAL OF PHIL POSITION THAT PREVIOUSLY HAD NOT FAVORED DUAL NATIONALITY AND THAT IT WOULD ONLY BE DIRECTED AT U.S. NATURALIZED FILIPINOS. NO OTHER NATIONALITY WOULD BE ELIGIBLE.

3. MACARAIG IS FAMILIAR WITH SUPREME COURT CASE OF AFROYIM V. RUSK AND REQUESTED TO BE FURNISHED THE ATTORNEY GENERAL'S STATEMENT OF INTERPRETATION, WHICH THE EMBASSY HAS NOW PROVIDED HIM. HE RECOGNIZED THAT WHATEVER PROCEDURE THE GOP DECIDED UPON NEEDED TO BE CAREFULLY WORKED OUT SO AS NOT TO JEOPARDIZE THE U.S. CITIZENSHIP OF THESE PEOPLE. FOR EXAMPLE, HE STATED THAT THEY DID NOT INTEND TO REQUIRE AN OATH OF ALLEGIANCE AND WERE THINKING MORE IN TERMS OF SOME GENERAL TYPE OF PROCEDURE TO RECONFER PHIL CITIZENSHIP. THE CONSTITUTIONAL REQUIREMENT THAT ALL PHILS MUST VOTE WAS FIRST THOUGHT OF AS A POSSIBLE PROBLEM BUT HE FELT AFROYIM CASE SETTLED THIS ISSUE.

4. EMBOFFS SUGGESTED THAT GRANTING OF DUAL NATIONALITY MAY CAUSE COMPLICATIONS IN OTHER AREAS SUCH AS: (A) TAXIATION; (B) WHETHER THE PERSON WOULD BE CONSIDERED A U.S. OR A PHILIPPINE CITIZEN UNDER CERTAIN OF THEIR ECONOMIC LAWS RESTRICTING OWNERSHIP AND POSITIONS TO FILIPINOS; AND (C) PERHAPS EVEN IN THE CONSULAR PROTECTION AREA. HE APPRECIATED THAT THESE WERE PROBLEMS BUT STATED MARCOS WAS SO WEDDED TO THIS IDEA, PRESIDENT LIKELY TO BE WILLING TO MAKE WHATEVER ACCOMODATIONS AMERICANS BELIEVE APPROPRIATE AND NECESSARY.

5. MACARAIG EXPRESSED HIS HOPE THAT HE WOULD BE ABLE TO CONSULT FURTHER WITH EMBASSY AS GOP PRCEEDS WITH ITS STUDY AND FURMULATION OF PROCEDURE TO BE UTILIZED, PRIOR TO EVENTUAL DRAFTING OF PRESIDENTIAL DECREE.

6. COMMENT: WHILE IT WAS OBVIOUS CONCEPT OF DUAL NATIONALITY CLEARLY ONLY IN FORMATIVE STAGE, IT WAS ALSO APPARENT DEPT. OF JUSTICE HAD ITS MARCHING ORDERS AND LIMITED OFFICIAL USE

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PLANNED TO PROCEED. MACARAIG CLEARLY INDICATED THAT MAIN PURPOSE WAS POLITICAL. IMPRESSION GIVEN THAT GOP FELT GRANTING DUAL NATIONALITY TO THIS CLASS OF PEOPLE WOULD SOMEHOW DIFFUSE ANTI-MARCOS ELEMENTS IN U.S. AND PRESENT MARTIAL LAW REGIME IN A MORE FAVORABLE LIGHT. THE PRACTICAL ASPECTS RE LAND OWNERSHIP WERE DEFINITELY OF SECONDARY IMPORTANCE. EMB BELIEVES THAT GRANTING DUAL NATIONALITY AS ENVISIONED BY PHILS COULD OPEN PANDORA'S BOX THAT COULD

TAKE EXTENDED PERIOD OF TIME TO SORT OUT, IF EVER. EMB
ASSUMES THAT AS A POLICY MATTER USG DOES NOT ENCOURAGE DUAL
NATIONALITY. HOWEVER, AT PRESENT TIME INDICATIONS ARE THAT
GOP DETERMINED TO PUSH AHEAD WITH CONCEPT WITH OR WITHOUT
FURTHER U.S. VIEWS. CONSEQUENTLY, IT WOULD APPEAR THAT IF USG
IS TO HAVE AN INFLUENCE ON FINAL ACTION BY GOP IN THIS MATTER,
THAT EMB WOULD HAVE TO POINT OUT ALL RAMIFICATIONS WHICH ARE
INVOLVED. IF DEPARTMENT BELIEVES LEGAL AND PRACTICAL PROBLEMS
ARE OF SUFFICIENT MAGNITUDE TO ATTEMPT TO DISCOURAGE PHILS FROM
PROCEEDING, EMB WOULD APPRECIATE GUIDANCE. ACTION REQUESTED:
DEPART PROVIDE EMB WITH ITS COMMENTS AND OPINIONS BOTH AS TO THE
PRACTICAL AS WELL AS LEGAL RAMIFICATIONS OF THE PROPOSED
ACTION BY GOP AND ANY OTHER GUIDANCE DEEMED APPROPRIATE.
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